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November 1, 2005

Rep. William Vanregenmorter
N1093 House Office Building
PO Box 30014
Lansing, MI 48909-7514

Re: Torture Legislation
House Bill Nos. 5268 & 5269

Before: House Judiciary Committee

Dear Representative Vanregenmorter,

Regretfully I cannot attend today's important hearing on House Bill Nos. 5268 and 5269. I must stay in Bad Axe and attend my yearly budget meeting before the County Board of Commissioners.

As a career prosecutor with 20 years of experience I endorse these important bills because of the need for a specific statute to address this terrible crime.

I have first hand knowledge of the need for this law because of a reported crime that occurred during 2004-2005 in Huron County. The facts of this case are as severe as any homicide case I have handled in my career. Basically, a husband took advantage of his diabetic, blind wife by manipulating her medications, depriving her of food, dressing her in provocative clothing, placing and tying a plastic bag over her head, depriving her of oxygen to the point of asphyxiation, reviving her, and filming the entire process.

When I went to charge this individual with a crime my chief assistant prosecutor, the law enforcement officers involved, and myself were frustrated in our efforts to find a specific appropriate charge or charges. After literally three straight days, and nights, we were able to fit the facts to the Vulnerable Adult Abuse statute (a 15 year felony) and the secret

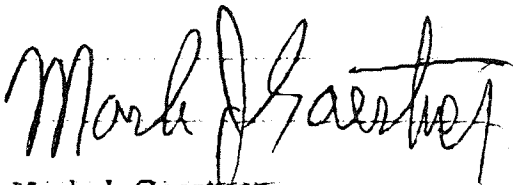
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confinement aspect of the Kidnapping statute (a life or any term of years felony).

There simply has to be a better law to protect our citizens and punish this type of behavior. Human torture should not be tolerated in a civilized society. I hope that these future laws will serve not only as a deterrent to those thinking of committing this horrendous crime, but also as severe punishment for those cold and heartless enough to commit it on a fellow human being.

The legislature has the ability to enact legislation making it easier for prosecutors throughout the state to justly deal with this conduct. I respectfully urge the legislature to pass House Bill Nos. 5268 and 5269 to fill a gap in our criminal laws.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark J. Gaertner". The signature is fluid and cursive, with the first name "Mark" being the most prominent.

Mark J. Gaertner
Huron County Prosecuting Attorney